

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONNA KAY BIGHAM, and
LOVELL THOMAS,

Plaintiffs,

Case No. 10-cv-11043

v.

HONORABLE STEPHEN J. MURPHY, III

WASHTENAW COUNTY SHERIFF'S
DEPARTMENT, JOHN DOE, and JANE
DOE,

Defendants.

_____ /

ORDER OF DEFICIENCY

In this civil rights action, Co-Plaintiffs Donna Bigham and Lovell Thomas allege that the Washtenaw County Sheriff's Department and two unnamed defendants have violated their constitutional rights in connection with an investigation into the disappearance and apparent death of Marrio Campbell, Bigham's son and Thomas's nephew. Plaintiffs have filed an application to proceed without the prepayment of fees, or *in forma pauperis* ("IFP"). Docket no. 2.

The IFP request is incomplete. Only Thomas has filed an IFP application, but he has not completed the entire application, leaving section 3 partially blank. Although he has submitted a certified copy of his trust fund account activity, this is not a substitute for completing the formal application. Bigham, on the other hand, has not filed an application at all, and the affidavit of indigency she filed does not contain responses to the questions listed in the application. See *McGore v. Wigglesworth*, 114 F.3d 601, 608 (6th Cir. 1997). Without such an application or a more complete affidavit, the Court is unable to determine

whether she is indigent. The Court will give Plaintiffs thirty (30) days to correct this deficiency.

Plaintiffs should note that if they are ultimately granted IFP status and allowed to proceed without prepayment of the filing fees, their complaint will be subject to screening pursuant to 28 U.S.C. § 1915(e)(2). From the Court's brief review of the complaint already, it appears that Plaintiffs have failed to state plausible claims. If Plaintiffs are serious about their allegations, they are encouraged to seek legal counsel or at least file an amended complaint which contains a short, plain, and clear statement of their claims and the basis for them, showing Plaintiffs are entitled to the relief they seek. Failure to state plausible claims, will result in their complaint being dismissed.

WHEREFORE, it is hereby **ORDERED** that within thirty (30) days of the date of this order, Plaintiffs must either submit the \$350.00 filing fee, or file completed Applications to Proceed In Forma Pauperis¹. Both Thomas and Bigham must complete applications if they wish to proceed IFP. If Plaintiffs fail to comply with this order, the Court will presume they are not indigent, assess the full amount of the fees, and dismiss the complaint for lack of prosecution. If dismissed in this way, the case will not be reinstated to the Court's active docket even if Plaintiffs later pay the filing fee. See *McGore v. Wigglesworth*, 114 F.3d 601, 605, 609 (6th Cir. 1997).

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: May 3, 2010

¹ IFP applications are available online at: <http://www.uscourts.gov/forms/AO240.pdf> or from the Clerk's office.

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 3, 2010, by electronic and/or ordinary mail.

Alissa Greer
Case Manager